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4 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
5 **OF THE STATE OF WASHINGTON**

6 In the Matter of Enforcement Action Against:
7 Patricia Davis,
8 Respondent

PDC CASE NO. 06-279
FINAL ORDER

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10 This matter came for hearing before the Washington State Public Disclosure
11 Commission on November 30, 2005 at the PDC offices in the Evergreen Plaza Building,
12 Room 206, 711 Capitol Way South, Olympia, Washington. Those present included
13 Commission members Earl Tilly, Chair; Jane Noland, Vice Chair; Bill Brumsickle,
14 Secretary; and, Ken Schellberg. Also present were PDC Executive Director Vicki Rippie;
15 Senior Assistant Attorney General Linda Dalton for PDC Staff; Senior Counsel Nancy
16 Krier for the Commission; and, Suzanne Thomas, attorney for Respondent Patricia Davis.
17 The proceedings were open to the public and were recorded.

18 This matter involved a citizen action letter (45-day letter) dated October 12, 2005
19 from Richard L. Pope, Jr. to the Attorney General's Office under RCW 42.17.400(4). The
20 letter was sent to the Commission by the AGO for investigation. Copies of the letter had
21 also been provided by Mr. Pope to the PDC and local government attorneys. The letter was
22 received by the PDC on October 12, 2005. The letter alleged that the Respondent (1)
23 violated RCW 42.17.080 and .090 by failing to timely file reports of contributions and
24 expenditures during the 2001 election cycle, (2) violated RCW 42.17.125 by repaying
25 candidate loans in excess of the allowable limit during the 2001 election cycle; and, (3)
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1 violated RCW 42.17.105(8) by making a loan in excess of the allowable amounts during the
2 21 days before the 2001 general election.

3 PDC Staff submitted to the Commission the Notice of Administrative Charges dated
4 November 22, 2005 and the Report of Investigation dated November 22, 2005 (with
5 exhibits). The Respondent submitted a letter to the Commission dated November 21, 2005.
6 The parties submitted to the Commission a Stipulation as to Facts, Violations and Penalty
7 (Stipulation) dated November 30, 2005. The parties made oral presentations to the
8 Commission. PDC Staff orally requested that one allegation against the Respondent be
9 dismissed.

10 Following consideration of the written and oral submissions, the Commission voted
11 4-0 to dismiss the allegation concerning the alleged violation of RCW 42.17.105(8) and to
12 accept the the Stipulation concerning the violations of RCW 42.17.080, .090. and .125. The
13 Stipulation is incorporated by reference.

14 **I. FINDINGS OF FACT**

15 1. The \$8,000 loan alleged to have been made as a contribution by the
16 Respondent to the Respondent's campaign on October 17, 2001 was received by the
17 campaign on October 9, 2001 and was first reported on a C-3 filed October 11, 2001, five
18 days before the beginning of the restricted period under RCW 42.17.105(8).

19 2. - 22. The facts as stipulated in items 2 – 22 in the Stipulation are designated
20 Findings of Fact 2. – 22.

21 **II. CONCLUSIONS OF LAW**

22 1. The Commission has jurisdiction of this matter as cited in Stipulation
23 (Jurisdiction Section).

24 2. The Respondent did not commit a violation of RCW 42.17.105(8).

25 3. The Respondent did commit multiple violations of RCW 42.17.080, .090
26 and .125 as stated in the Stipulation.

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1. The allegation concerning the Respondent's violation of RCW 42.17.105(8) is dismissed;
2. The Stipulation is accepted;
3. The Respondent is assessed a civil penalty in the amount of \$7,500 due and payable within 120 days of the entry of this Final Order; and,
4. The Respondent will repay her 2001 campaign the amount of \$6,054 payable at the rate of \$500 per month for 12 months commencing January 1, 2006 until paid in full.

RECONSIDERATION OF FINAL ORDER - COMMISSION

Pursuant to WAC 390-37-150, the Public Disclosure Commission is deemed to have denied the petition for reconsideration if, within twenty (20) business days from the date the petition is filed, the Commission does not either dispose of the petition or serve the parties with written notice specifying the date by which it will act on the petition. Pursuant to

1 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure
2 Commission to reconsider the final order before seeking judicial review by a superior court.

3 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

4 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure
5 Commission is subject to judicial review under the Administrative Procedures Act, chapter
6 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW
7 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston
8 County or the petitioner’s county of residence or principal place of business. The petition
9 for judicial review must be served on the Public Disclosure Commission and any other
10 parties within **30 days** of the date that the Public Disclosure Commission serves this final
11 order on the parties. RCW 34.05.542 (4) provides: “Service of the petition on the agency
12 shall be by delivery of a copy of the petition to the office of the director, or other chief
13 administrative officer or chairperson of the agency, at the principal office of the agency.
14 Service of a copy by mail upon the other parties of record and the office of the attorney
15 general shall be deemed complete upon deposit in the United States mail, as evidenced by
16 the postmark.”

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18 If reconsideration is properly sought, the petition for judicial review must be served
19 on the Public Disclosure Commission and any other parties within thirty (30) days after the
20 Commission acts on the petition for reconsideration.

21 **ENFORCEMENT OF FINAL ORDERS**

22 The Commission will seek to enforce this final order in superior court under RCW
23 42.17.395-.397, and recover legal costs and attorney’s fees, if the penalty remains unpaid
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1 and no petition for judicial review has been filed under chapter 34.05 RCW. This action
2 will be taken without further order by the Commission.

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4 The Executive Director is authorized to enter this order on behalf of the Commission.

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6 DATED THIS 2nd day of December 2005.

7 FOR THE COMMISSION:

8 Vicki Rippie
9

10 VICKI RIPPIE, Executive Director

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12 Attachment: Stipulation as to Facts and Violations dated November 30, 2005

13
14 *Date of mailing:*

15 December 2, 2005
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18 *Copies mailed to:*

19 Patricia Davis, Respondent

20 Suzanne Thomas, for Respondent

21 Linda Dalton, Senior Assistant Attorney General, for PDC Staff

22 Nancy Krier, Senior Counsel, for the Commission

23 Honorable Robert M. McKenna, Attorney General

24 Honorable Norman K. Maleng, King County Prosecuting Attorney

25 Honorable Edward G. Holm, Thurston County Prosecuting Attorney

26 Richard L. Pope, Jr.